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NOTICE OF ALLOWANCE AND FEE(S) DUE

89415 7590 08/09/2010		

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EXAMINER
NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 08/09/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,297	02/27/2004	Hao Xue	51085-6 /SLB	6561

TITLE OF INVENTION: METHOD, SYSTEM, AND DEVICE FOR SPECIFYING SELECTIVE OVERRIDE OF DO-NOT-DISTURB FUNCTIONALITY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	11/09/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>   Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,297	02/27/2004	Hao Xue	51085-6 /SLB	6561

TITLE OF INVENTION: METHOD, SYSTEM, AND DEVICE FOR SPECIFYING SELECTIVE OVERRIDE OF DO-NOT-DISTURB FUNCTIONALITY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	11/09/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, TUAN HOANG	2618	455-090200

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❏ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❏ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) :   ❏ Individual ❏ Corporation or other private group entity ❏ Government

4a. The following fee(s) are submitted:
❏ Issue Fee
❏ Publication Fee (No small entity discount permitted)
❏ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
❏ A check is enclosed.
❏ Payment by credit card. Form PTO-2038 is attached.
❏ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
❏ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.   ❏ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,297	02/27/2004	Hao Xue	51085-6 /SLB	6561

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89415	7590	08/09/2010	NGUYEN, TUAN HOANG

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ART UNIT	PAPER NUMBER
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DATE MAILED: 08/09/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 390 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 390 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

	Application No.	Applicant(s)
Notice of Allowability	10/787,297	XUE ET AL.
	Examiner	Art Unit	
	TUAN H. NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *6/30/2010*.

2. ☒ The allowed claim(s) is/are *5-8,14-17,23 and 25*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
   Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

	/Tuan H. Nguyen/
	Examiner
	Art Unit 2618

DETAILED ACTION

Response to Arguments

1.   The amendment filed on 06/30/2010 is acknowledged and entered by the examiner.

Claim Status

2.   Claims 5-8, 14-17, 23 and 25 are currently pending in the instant application. Claims 1-4, 9-13, 18-22, 24, 26 and 27 have been cancelled.

Examiner's Amendment

3.   Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul den Boef, Registration No. 62,415 on 08/04/2010.

4.   An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

5.   The application has been amended as follows:

In the claims:

. **Claim 5 amended as the following:**

5. (Currently Amended) A method of talk request processing in a do-not-disturb

(DnD) capable communication system, the method comprising: receiving a talk

request for a requested walkie-talkie-like communications session involving a

user device capable of walkie-talkie-like functionality; and selectively overriding

DnD functionality for the requested walkie-talkie-like communications session

based on an ignoreDnD attribute for the user device applied to a criterion or

condition of the talk request other than a user device identifier; wherein the user

device is a wireless device; wherein the ignoreDnD attribute comprises an

ignoreDnD flag, and wherein selectively overriding said DnD functionality is a

function of the ignoreDnD flag; wherein the ignoreDnD attribute comprises at

least one predetermined ignore reason value, and wherein selectively overriding

said DnD functionality is a function of the at least one predetermined ignore

reason value; and wherein the talk request has a current state associated

therewith, the current state being one of a number of possible current states for

the talk request, wherein each predetermined ignore reason value represents a

corresponding possible current state for the talk request, the method further

comprising: evaluating the ingoreDnD flag to determine whether further

ignoreDnD processing is to be performed, and if evaluating the ignoreDnD flag

determines that further ignoreDnD processing is to be performed: a) determining

the current state of the talk request; and b) for each of the at least one

predetermined ignore reason value:

i) comparing the corresponding possible current state with the current state of the

talk request; wherein said DnD functionality is overridden if any corresponding

possible current state matches the current state of the talk request.

. Claim 14 amended as the following:

14. (Currently Amended) A talk request processing system in a do-not-disturb

(DnD) capable communication system, the talk request processing system

comprising: a receiver adapted to receive a talk request for a requested walkie-

talkie-like communications session involving a user device capable of walkie-

talkie-like functionality; and a network call processing function adapted to

selectively override DnD functionality for the requested walkie-talkie-like

communications session based on an ignoreDnD attribute for the user device

applied to a criterion or condition of the talk request other than a user device

identifier; wherein the user device is a wireless device; wherein the network call

function comprises: a data store adapted to store the ignoreDnD attribute for the

user device; a DnD processing function adapted to provide DnD functionality;

and an ingnoreDnD processing function adapted to override DnD functionality for

the requested walkie-talkie-like communications session as a function of the

ignoreDnD attribute stored in the data store for the user device; wherein the

ignoreDnD attribute comprises an ignoreDnD flag and at least one predetermined

ignore reason value, and wherein the ignoreDnD processing function selectively

overrides said DnD functionality as a function of the ignoreDnD flag and the at

least one predetermined ignore reason value; and wherein the talk request has a

current state associated therewith, the current state being one of a number of

possible current states for the talk request, wherein each predetermined ignore

reason value represents a corresponding possible current state for the talk

request, wherein the ignoreDnD processing function: retrieves the ignoreDnD

attribute from the data store; and evaluates the ingoreDnD flag to determine

whether further ignoreDnD processing is to be performed, and if evaluating the

ignoreDnD flag determines that further ignoreDnD processing is to be performed:

a) determines the current state of the talk request; and b) for each of the at least

one predetermined ignore reason value:

i) compares the corresponding possible current state with the current state of the

talk request; wherein said DnD functionality is overridden if any corresponding

possible current state matches the current state of the talk request.

(End of Amendment)

Reasons for Allowance

6.   Claims 5-8, 14-17, 23 and 25 allowed over the prior art record.

7.   The following is an examiner's statement of reasons for allowance:

The applicant's remarks, filed on 06/30/2010, have been carefully reviewed with

updated search. Consequently, reasons for allowance of claims 5-8, 14-17, 23 and 25

are set forth in according with the following:

Ericsson, Motorola, Siemens, Nokia Technical Specification (Push to Talk over
Cellular (PoC); User Requirements; PoC Release 1.0; User Requirements V 1.1.1
(2003-10)) teaches in ad-hoc instant group talk, a user invites selected users to
establish an ad-hoc instant group talk session. An inviting user selects invited users
from a contact list or by typing the addresses of the invited users and initiates an ad-hoc
instant group talk. Only transient ad-hoc group identity is created in the network for this
feature. Each invited user can either accept or reject the invitation, depending on the
user's preference. During an ongoing ad-hoc talk session a participant can also invite
other users to the group session. An ad-hoc instant group talk can be used when a
group discussion is needed without planning it in advance.

Schessel (U.S PAT. 6,418,215) teaches a method of introducing a feature during
a communication between subscribers of a telecommunications network. The first step
of the method is executing, at each predefined trigger point during the communication,
an operation to activate a particular requested feature. The method then requires
accessing data stored in a network memory for use in the activation operation. The data
is arranged in the memory in table and bit map format so as to enable the features to be
customized. The method then requires executing the particular requested feature upon
activation. The method may also include repeating the method steps for each feature
available to be activated at a respective trigger point in an order determined by the
stored data. The method is independent of the type of requested feature.

Consider claims 5-8 and 25, the prior arts made of record, alone or in
combination, fails to clearly teach or fairly suggest a method of talk request processing

in a do-not-disturb (DnD) capable communication system, the method comprising:

receiving a talk request for a requested walkie-talkie-like communications session

involving a user device capable of walkie-talkie-like functionality; and selectively

overriding DnD functionality for the requested walkie-talkie-like communications session

based on an ignoreDnD attribute for the user device applied to a criterion or condition of

the talk request other than a user device identifier; wherein the user device is a wireless

device; wherein the ignoreDnD attribute comprises an ignoreDnD flag, and wherein

selectively overriding said DnD functionality is a function of the ignoreDnD flag; wherein

the ignoreDnD attribute comprises at least one predetermined ignore reason value, and

wherein selectively overriding said DnD functionality is a function of the at least one

predetermined ignore reason value; and wherein the talk request has a current state

associated therewith, the current state being one of a number of possible current states

for the talk request, wherein each predetermined ignore reason value represents a

corresponding possible current state for the talk request, the method further comprising:

evaluating the ingoreDnD flag to determine whether further ignoreDnD processing is to

be performed, and if evaluating the ignoreDnD flag determines that further ignoreDnD

processing is to be performed: a) determining the current state of the talk request; and

b) for each of the at least one predetermined ignore reason value: comparing the

corresponding possible current state with the current state of the talk request; wherein

said DnD functionality is overridden if any corresponding possible current state matches

the current state of the talk request, as specified in the independent claim 5, and further

limitations of their respective dependent claims 6-8 and 25.

Consider claims 14-17, the prior arts made of record, alone or in combination, fails to clearly teach or fairly suggest a talk request processing system in a do-not-disturb (DnD) capable communication system, the talk request processing system comprising: a receiver adapted to receive a talk request for a requested walkie-talkie-like communications session involving a user device capable of walkie-talkie-like functionality; and a network call processing function adapted to selectively override DnD functionality for the requested walkie-talkie-like communications session based on an ignoreDnD attribute for the user device applied to a criterion or condition of the talk request other than a user device identifier; wherein the user device is a wireless device; wherein the network call function comprises: a data store adapted to store the ignoreDnD attribute for the user device; a DnD processing function adapted to provide DnD functionality; and an ingnoreDnD processing function adapted to override DnD functionality for the requested walkie-talkie-like communications session as a function of the ignoreDnD attribute stored in the data store for the user device; wherein the ignoreDnD attribute comprises an ignoreDnD flag and at least one predetermined ignore reason value, and wherein the ignoreDnD processing function selectively overrides said DnD functionality as a function of the ignoreDnD flag and the at least one predetermined ignore reason value; and wherein the talk request has a current state associated therewith, the current state being one of a number of possible current states for the talk request, wherein each predetermined ignore reason value represents a corresponding possible current state for the talk request, wherein the ignoreDnD processing function: retrieves the ignoreDnD attribute from the data store; and

evaluates the ingoreDnD flag to determine whether further ignoreDnD processing is to

be performed, and if evaluating the ignoreDnD flag determines that further ignoreDnD

processing is to be performed: a) determines the current state of the talk request; and b)

for each of the at least one predetermined ignore reason value: compares the

corresponding possible current state with the current state of the talk request; wherein

said DnD functionality is overridden if any corresponding possible current state matches

the current state of the talk request, as specified in the independent claim 14, and

further limitations of their respective dependent claims 15-17.

Consider claim 23, the prior arts made of record, alone or in combination, fails to

clearly teach or fairly suggest a user device capable of walkie-talkie-like functionality for

a do-not-disturb (DnD) capable communication system, the user device comprising: a

user interface adapted to accept an external input to modify an ignoreDnD attribute for

the user device the ignoreDnD attribute concerning a criterion or condition of a talk

request other than a user device identifier; an ignoreDnD attribute request generator

responsive to said external input adapted to send a network call processing server a

request to update the ignoreDnD attribute of the user device; and a user interface

display for displaying modifications for the ignoreDnD attribute indicated by the external

input; wherein the user device is a wireless device; and wherein the user interface is

further adapted to accept an external query input to retrieve an ignoreDnD attribute for

the user device, the ignore DnD attribute request generator is further adapted to: (a)

send a network call processing server a query to retrieve the ignoreDnD attribute of the

user device; and b) receive a response to said query from the network; wherein the user

interface display is adapted to, in response to the ignoreDnD attribute request generator

receiving the response to said query, display the ignoreDnD attribute for the user

device, as specified in the independent claim 23.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

8.   Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan H. Nguyen/
Examiner
Art Unit 2618